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WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

MARK BLACKMAN

CIVIL ACTION NO. 05-1160

VERSUS

JUDGE DOHERTY

GLOBAL INDUSTRIES OFFSHORE, LLC

MAGISTRATE JUDGE METHVIN

**MEMORANDUM RULING**

Currently pending before the Court is a Motion to Dismiss [Doc. 79] filed on behalf of Hercules Offshore Corporation ("Hercules"), arguing: (1) pursuant to Rule 12(b)(6), plaintiff has failed to state a claim upon which relief can be granted; (2) pursuant to Rule 12(b)(4), the process is insufficient; (3) pursuant to Rule 12(b)(5), service of process upon all movers except Paul Miller is insufficient; and (4) in the alternative, movers request an order requiring plaintiff to serve a more definite statement outlining the allegations against each mover pursuant to Rule 12(e).

In response, plaintiff: (1) argues defendant's motion should be denied; (2) requests this Court issue a scheduling order requiring newly added defendants to comply with those discovery deadlines accrued prior to their involvement in this suit; and (3) requests a stay pending plaintiff's appeal of this Court's ruling, wherein it affirmed the Magistrate's ruling which denied plaintiff's motion for appointment of counsel [Doc. 66].<sup>1</sup>

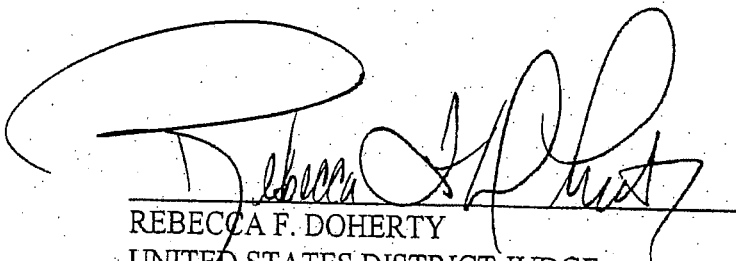
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<sup>1</sup>Following a review of the Fifth Circuit's Electronic Records, the Court notes plaintiff has filed an appeal with the Fifth Circuit of this Court's Ruling [Doc. 66], and according to the Fifth Circuit's docket entry dated January 31, 2007, briefing is completed.

The Court hereby GRANTS plaintiff's request for a stay pending a ruling by the Fifth Circuit Court of Appeals on the issue of appointment of counsel, and the Clerk of Court is instructed to ADMINISTRATIVELY CLOSE this matter. Within seven (7) days of receipt of the Fifth Circuit's ruling, counsel for Hercules is to contact this Court so that the matter may be reopened, the Motion to Dismiss may be reset, and plaintiff's request for a scheduling order be addressed.

THUS DONE AND SIGNED in Chambers in Lafayette, Louisiana, this 5<sup>th</sup> day of

February, 2007.



REBECCA F. DOHERTY  
UNITED STATES DISTRICT JUDGE

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